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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,513	03/23/2001	Blair Cameron Hendrickson	0172-1-1	5638

7590 06/30/2004

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EXAMINER

HO, THE T

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,513

Applicant(s)

HENDRICKSON ET AL.

Examiner

The Thanh Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the application filed 03/23/2001.
2. Claims 1-10 have been examined and are pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

- (i) "said transformed Time Tube data structures" (line 13 claim 10). Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Eytchison U.S Patent No. 6,363,434.

As to claim 10, Eytchison teaches a database (Resource Manager 320, Reservation Database 350, Resource Pool 330, Path Database 340, Usage Database 360, Fig. 4) for managing event driven activities (user application 310 communicates to the resource manager 320 when it intends to access one of the network consumer electronic media devices, lines 52-55 column 6), the database having data structure for storing resource data (Resource Pool 330, Fig. 4) derived from an external source (the resource pool 330 is a list of all devices connected to the network and is constructed upon initialization of the home server 210; the resource pool 330 is also continuously updated to keep track of devices that are added to and removed from the home entertainment network 200, lines 11-17 column 8), data structure for generating an activity schedule (Reservation Database 350, Fig. 4), and data structure (Resource Manager 320, Fig. 4) for receiving external request stimuli indicating desires for resource activity (resource manager 320 receives an ScheduledEvent request from the user application 310, lines 43-45 column 8); comprising:

a plurality of Time Tube data structures (Reservation Database that stores scheduled events of the processes, lines 35-39 column 7) stored on the database, each having a first data field containing selected resource data (SourceID, line 14 column 9) and a second data field containing selected timing data (StartTime and EndTime, line 15 column 9);

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said Time Tube data structures transforming said first data field and said second data field into an available resource data structure (the resource manager 320 enters the devices and routing paths within the reservation database 350, lines 39-41 column 7; the resource manager 320 stores the SourceID, DestID, PathID, StartTime and EndTime within the reservation database 350, lines 13-17 column 9);

whereby a means for generating a schedule of activities is formulated from said transformed Time Tube data structures (lines 30-43 column 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eytchison.

As to claim 9, Eytchison teaches a method for managing event driven activities (user application 310 communicates to the resource manager 320 when it intends to access one of the network consumer electronic media devices, lines 52-55 column 6), the event driven activities generating a request stimulus indicating a desire for resource activity (the ScheduledEvent request consists of

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information regarding the source device and the start time and end time of the scheduled event, lines 45-51 column 8), comprising:

receiving the request stimulus by a Resource Manager (resource manager 320 receives an ScheduledEvent request from the user application 310, lines 43-45 column 8), the Resource Manager responsive to the requested stimulus and looking for an available resource (the resource manager 320, upon receiving the request, looks up the reservation database 350 and determines if the requested source and destination devices are available, line 66 column 8 to line 2 column 9);

the Resource Manager communicating with a Publishing Engine (Resource Manager 320 communicates with Resource Pool 330, Fig. 4) having data structure responsive to the Resource Manager for said available resource (the resource manager 320, upon receiving the request, looks up the resource pool 330 and determines if the requested source and destination devices are available, lines 8-11 column 8);

the Resource Manager communicating to a Scheduling Engine (Resource Manager 320 communicates with Reservation Database, Fig. 4) having data structure transforming said available resource into event scheduled activity (the resource manager 320 then stores the SourceID, DestID, PathID, StartTime and EndTime within the reservation database 350 at step 640, lines 12-17 column 9).

Eytchison does not explicitly teach the Resource Manager sending requests to the Publishing Engine and Scheduling Engine. However, Eytchison teach (Fig. 3-4; lines 34-49 column 6; lines 53-61 column 7), the Resource

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Manager, the Publishing Engine and the Scheduling Engine are separate software processes running within the computer system 101. Therefore one of ordinary skill in the art would conclude the Resource Manager, as a separate running process, would communicate with other processes such as the Publishing Engine and the Scheduling Engine by sending requests.

As to claim 1, it is a system claim of claim 9. Therefore, it is rejected for the same reasons as claim 9 above. Eytchison as modified further teaches a computer (computer system 101, Fig. 1) with memory (memories 106, 108, Fig. 1).

As to claim 2, Eytchison as modified further teaches the computer with memory is a database (Resource Manager 320, Reservation Database 350, Resource Pool 330, Path Database 340, Usage Database 360, Fig. 4).

As to claim 3, Eytchison as modified further teaches the Resource Manager comprises a plurality of data structures for receiving a plurality of request stimuli all indicating a desire for resource activity (application programs that use or attempt to use the resources are required to communicate with the software resource manager, lines 20-22 column 6; user application 310 communicates to the resource manager 320 when it intends to access one of the network consumer electronic media devices, lines 52-55 column 6).

As to claim 4, Eytchison as modified further teaches Resource Manager comprising priority data structure transforming said request stimuli into a demand resource activity (the resource manager 320 performs conflict resolutions; as

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long as there are limited resources and multiple service requests, only the service request with a higher priority will be serviced, lines 40-56 column 9).

As to claim 5, it is a system claim of claim 10. Therefore, it is rejected for the same reasons as claim 10 above.

As to claim 6, Eytchison as modified further teaches timing constraints are selected from a group consisting of start time, stop time, start date, stop date, availability status, resource usage, resource cancellation, event on-hold, or remnant (SourceID, DestID, PathID, StartTime, EndTime, lines 14-15 column 9; unavailable signal, line 4 column 9; usage logs, Fig. 3; message notifying service is being terminated, lines 47-49 column 9; ExecuteCalendarEvent, line 56 column 8).

As to claim 7, Eytchison as modified further teaches the profile of an available resource comprises event attributes correlated to resource attributes (SourceID, StartTime, EndTime, lines 14-15 column 9).

As to claim 8, Eytchison as modified further teaches the profile of an available resource comprises resource attributes correlated to event attributes (SourceID, StartTime, EndTime, lines 14-15 column 9).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 3493

TTH
June 17, 2004


MENG-AI F. AN
SUPERVISORY PATENT EXAMINER
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